

Serial #: 09/444,889  
In reply to Office action mailed March 8, 2006  
Page 8 of 10

RECEIVED  
CENTRAL FAX CENTER  
AUG 08 2006

### Remarks

This is in response to the Office Action mailed on March 8, 2006. Claims 18, 22, 28, and 32-55 are pending and were rejected. With this amendment, claims 22, 34-35, 38, and 44-50 are amended. The remaining claims are unchanged and no new claims are added.

#### Rejection Under 35 U.S.C. 112, second paragraph

Claims 22, 34-35, and 44-49 were rejected under 35 U.S.C 112, second paragraph. Specifically, the Office Action states "it is unclear as to how mere module elements . . . make up a system as systems must contain at least one hardware element." With this amendment, independent claim 44 (the independent claim of this group) has been amended so that it is directed to "a computer program having a plurality of modules embodied in a computer readable medium and executable on a computer" and "the modules comprising" rather than directed to a system. Claims 22, 34-35, and 45-49 depend from claim 44, and they also have been amended so the claims are directed to a computer program. Applicants submit that the claims are now allowable over the rejection under 35 U.S.C. 112, second paragraph, and respectfully request removal of this rejection.

#### Rejections Under 35 U.S.C. 101

Claims 22, 28, 34-37, and 44-55 were rejected under 35 U.S.C. 101. Specifically, a first set of claims including independent claim 44 and its dependent claims have been rejected because it does not meet one of the statutory classes. Also, a second set of claims including Independent claims 50 and its dependent claims 28, 36-37, and 51-55 are directed to a computer program that is not also recited as executable.

Claims 22, 34-35, and 44-49, i.e., the first set, have been amended as set forth above and are now directed to "a computer program having a plurality of modules embodied in a computer readable medium and executable on a computer." Applicants respectfully submit that based on this amendment, and at least the reasons discussed here and above, that claims 22, 34-35, and 44-49 are directed to statutory subject matter.

In addition, independent claim 50 of the second set has been amended to make clear that the "computer program includes a plurality of segments embodied on a computer readable medium and executable on a computer" now recites an executable computer program and is thus statutory subject matter.

Serial #: 09/444,889  
In reply to Office action mailed March 8, 2006  
Page 9 of 10

Applicants submit that the amendments overcome the rejection under 35 U.S.C. 101, and respectfully requests removal of this rejection also.

**Rejection Under 35 U.S.C. 102(e)**

Claims 18, 22, 28, 32-38, 40-44, 46-50, and 52-55 were rejected under 35 U.S.C. 102(e) as being anticipated by Sekizawa. Independent claims 38, 44, and 50 are amended. Specifically, claim 38 is amended to include the limitations that the "receiving" is "at the manager from a plurality of provider environment users," and "receiving" is "at the manager from a plurality of consumer environment users." Also, the "scheduling maintenance" and "transmitting a schedule for service" is "from the manager." Further, claims 44 and 50 are amended to include the limitation that the "coordination receipt" from both the "plurality of provider environment users" and the "plurality of consumer environment users" are "at the manager." Claims 44 and 50 are also amended so that the "scheduling maintenance" and transmitting "a schedule for maintenance" is "from the manager." Applicants submit that the claims are now patentably distinguishable from the prior art.

Sekizawa does not disclose or suggest a system where "an e-commerce supply chain environment manager provides maintenance and service for a network-based e-commerce supply chain environment" including the amended features set forth above. Rather, the reference teaches a mail server that passes information, but the maintenance service functions are not performed at this server or any specific location on the system that is shown or suggested as "a manger." The reference fails to suggest that a feature could be used in the nature of the claimed manager, in part, because the prior art does not recognize the problem facing Applicants in locating a maintenance and service manager in an e-commerce environment.

The independent claims 38, 44, and 50 have been amended. Because the amended features are not shown in Sekizawa or suggested in the prior art, Applicants respectfully submit that the independent claims are patentably distinguishable from the prior art. The dependent claims of the rejection, i.e., claims 18, 22, 28, 32-37, 40-43, 46-49, and 52-55, are patentably distinguishable from the prior art also by virtue of their dependency. Accordingly, Applicants respectfully request removal of the rejection based on 35 U.S.C. 102(e).

Serial #: 09/444,889  
In reply to Office action mailed March 8, 2006  
Page 10 of 10

**Rejection Under 35 U.S.C. 103(a)**

Claims 39, 45, and 51 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sekizawa and Haluska. Claims 39, 45, and 51 depend from independent claims 38, 44, and 50, respectively, which have been shown above to be patentable. Haluska is included in a combination to show the features of "updating internal data items selected from the group consisting of merchandising content, currency exchange rates, tax rates, and pricing information" as set forth in the Office Action. Haluska does not show the amended features above. Because the features are not shown in the references separately (or suggested in the prior art) these features would be missing from any proposed combination of Sekizawa and Haluska. Applicants thus submit that claims 39, 45, and 51 are patentably distinguishable from the prior art and respectfully request removal of the rejection based on 35 U.S.C. 103.

Based on the above, Applicants respectfully request removal of the rejections and favorable action on and allowance of the application.

**Conclusion**

Applicant submits that for at least the reasons stated above, all pending claims are allowable over the art of record and respectfully requests reconsideration and that a Notice of Allowance be issued in this case. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (612) 607-7263. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees including fees for any extension of time, to Deposit Account No. 50-1901 (Docket 60021-336701).

Respectfully submitted,



Rudolph P. Hofmann, Reg. No. 38,187  
Customer No. 29838

OPPENHEIMER WOLFF & DONNELLY LLP  
45 South Seventh Street, Ste. 3300  
Minneapolis, MN 55402  
Phone: (612) 607-7340  
Fax: (612) 607-7100